

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10451-RWZ
CIVIL ACTION NO. 04-10717-RWZ

JOSEPH SCHMITT

v.

JEFFREY SMITH, et al.,

AND

JOSEPH SCHMITT

v.

PATRICK MULVEY, et al.

PRETRIAL ORDER

March 31, 2006

ZOBEL, D.J.

This matter having come before the Court at a pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., 28 U.S.C., and Joseph Schmitt having appeared as pro se, and C. Raye Poole having appeared as counsel for defendants Jeffrey Smith, et al., and Patrick Mulvey, et al., the following action was taken:

1. TRIAL

Trial is scheduled to commence on April 3, 2006, at 9 a.m. and is estimated to last one to two days.

2. JURY

The parties agreed to impanel eight jurors. Counsel shall file any proposed questions to the jury on voir dire by March 31, 2006.

3. ISSUES

The parties agree that the only issues to be tried are:

- a) whether defendants violated plaintiff's rights under the First Amendment to the Constitution of the United States by opening and censoring his mail;
- b) the amount of damages plaintiff claims for emotional distress and the loss of the right.

4. WITNESSES

a) Plaintiff

Joseph P. Schmitt

b) Defendants

John Marshall

Peter Allen

Ernest Therien

Patrick Mulvey

William Faria

Jeffrey Smith

5. REQUESTS AND QUESTIONS

On the first day of trial, April 3, 2006, counsel shall file:

- a) Requests for instructions; and
- b) Proposed questions to the jury on special verdict.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE